

KENTUCKY BOARD OF MEDICAL IMAGING & RADIATION THERAPY
December 13, 2017
1:00 pm

Board Members Present: Amy Adkins, Betty Brown, Jacob Hack, Karen Leek, Melanie Marris, Carol Scherbak, Jaime Warren, Steven Wells, Sharon Whitaker

Board Members Absent:

ExOfficio Members: Matt James, Elizabeth Morgan

Guests: Carson Kerr, Public Protection Cabinet
Dewey Crawford

AGENDA ITEM	Time	DISCUSSION	Action
Call to order	1 minute		Meeting was called to order at 1:06pm.
Introduction of New Board Member and Board Counsel	3 minutes	Melanie Marris was appointed representing citizens at-large. Ms. Marris was introduced to the board. Prior to the meeting Ms. Marris was sworn in. Matt James, Assistant Attorney General, introduced himself to the board; Mr. James filled in for Shan Dutta, who was unable to attend the meeting, but will provide legal services to the board moving forward.	
Approval of November Minutes	2 minutes		A motion to approve the November minutes was made by Carol Scherbak. Steve Wells seconded. Motion passed.
Approval of Board Travel and per diem	1 minute		Steve Wells made a motion to approve board travel and per diem pay. Sharon Whitaker seconded. Motion passed.
Review of Office Personnel Time Records	3 minutes		The board chair reviewed office timesheets. No issues were noted.
Committee Reports	20 minutes	<u>Education Committee</u> : No report. <u>Complaint/Violation Committee</u> :	The complaints/violations committee made a recommendation to issue a \$3,000 civil penalty to the facility in case 16.31A for unlicensed practice. Karen Leek seconded. Recommendation passed. The complaints/violations committee made a

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			<p>recommendation to issue a \$1,500 civil penalty in case 16.31D for unlicensed practice. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 45-day suspension and a \$1,500 civil penalty in case 17.16 for working with an invalid license for more than 30 days. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17A. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17B. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17C. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17D. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17E. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17F. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.17G. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to dismiss case 17.17H as the facts in this matter do not constitute any apparent violation of law. Betty Brown seconded. Recommendation passed.</p>

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			<p>The complaints/violations committee made a recommendation to open an investigation in case 17.23. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.25B. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to open an investigation in case 17.27. Carol Scherbak seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 5-day suspension and a \$50 civil penalty in case 17.30 for unlicensed practice. Betty Brown seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to issue a 5-day suspension and a \$50 civil penalty in case 17.31 for unlicensed practice. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.35 for working with an invalid license. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.36 and open an investigation for working with an invalid license. Karen Leek seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.37 and open an investigation for working with an invalid license. Jaime Warren seconded. Recommendation passed.</p> <p>The complaints/violations committee made a recommendation to ratify the initiating complaint issued by the Executive Director in case 17.38 for working with an invalid license. Carol Scherbak</p>

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		<p><u>Regulations Revision Committee:</u></p> <p>a. Update on amendments to 201 KAR 46:010, 201 KAR 46:020, 201 KAR 46:035, 201 KAR 46:081, and new administrative regulation for administrative subpoenas. The amendments to the regulations were filed on November 15, 2017. The public comment period will be open through December 31, 2017. A public hearing has been scheduled for December 22, 2017 at 10am; however, if no requests to attend are submitted, the hearing may be canceled. The amendments to the regulations are tentatively on the agenda for the January ARRS meeting.</p> <p>b. Update on technical change to administrative regulations and forms incorporated by reference due to office move. The technical change has been filed. Once the change becomes effective, the forms and applications will be updated with the new address.</p> <p>c. A question was received requesting information about whether PICC line placement was within the scope of practice of a radiographer and if they could perform this without a physician present. Further clarification of the question is needed before an answer is provided.</p>	

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Old Business	15 minutes	<p><u>Reorganization Updates:</u> No updates</p> <p><u>Office Move Updates:</u> The office officially moved on November 17.</p>	
Executive Director Update	5 minutes	<p><u>License Update:</u> November</p> <ul style="list-style-type: none"> a. New: 18 b. Renewal: 513 c. ISC: 1 d. Late: 7 e. Follow-up to late license submissions: in committee <p><u>Related legislative activity:</u> None. Regular legislative session begins January 2, 2018.</p> <p><u>Budget:</u> November report distributed</p> <ul style="list-style-type: none"> a. Revenue b. Expenditures c. YTD Balance d. Outstanding Bills <p><u>Other:</u></p> <ul style="list-style-type: none"> a. Record Retention Schedule Review: ongoing b. Administrative Assistant: Megan Prather has been hired through the temp agency to fulfill the position. 	
New Business		<p><u>MOA with CHFS-RHB for Inspections</u> Discussion surrounding the need for an MOA and the minimum amount of information that would be needed to initiate a complaint for unlicensed practice ensued.</p> <p><u>Meeting Schedule for 2018</u></p>	<p>Carol Scherbak made a motion to have Amy Adkins, Elizabeth Morgan, and board counsel draft an MOA with the Cabinet for Health and Family Services Radiation Health Branch to obtain information pertaining to unlicensed practice that is collected during the radiation equipment inspection of facilities; at minimum, the inspector would be asked to provide the facility name. Steve Wells seconded. Motion passed.</p> <p>Carol Scherbak made a motion to hold board meetings on the second Wednesday of each month at</p>

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		<p><u>Officer Elections for 2018:</u> Amy Adkins reminded the board that officer elections for Chair and Vice Chair will be held at the January meeting. Nominations should be sent to the Executive Director.</p>	<p>1:00 pm in the first floor conference room of the State Office Building Annex at 125 Holmes Street, and further that the January meeting be held in Suite 320. Jacob Hack seconded. Motion passed. Carol Scherbak made a motion that board committee meetings be held in the board's office between 9:00am and 1:00pm, before the full board meeting. Steve Wells seconded. Motion passed.</p>
Future meetings		<p>January 10, 2017</p> <p><i>All meetings are scheduled to start at 1:00 p.m. and are held at the KBMIRT office: 125 Holmes Street</i></p>	
Meeting adjourned			<p>Steve Wells made a motion to adjourn meeting. Betty Brown seconded. Meeting adjourned at 1:49pm.</p>